

March 27, 2012

Rosita Clarke-Moreno  
U.S. Environmental Protection Agency, Region 5  
Brownfields and Early Action Section  
77 West Jackson Boulevard  
Mail Code SE-4J  
Chicago, Illinois 60604-3507

Re: Site Eligibility Determination for EPA Hazardous Assessment Grant

Site Location: 436 East Chicago Street  
Coldwater, Michigan 49036

Ms. Clarke-Moreno:

This letter is intended to affirm an eligibility determination for site assessment of the property located at 436 East Chicago Street, Coldwater, Michigan. The assessment would be performed under the Branch County 2008 U.S. EPA brownfield assessment grant for hazardous sites. Pursuant to United States (U.S.) Environmental Protection Agency (EPA) FY09 "*Guidelines for Brownfield Assessment Grants*" Section IIIC.3., the Branch County has provided the following information for eligibility determination.

**Site Eligibility:**

a. **Basic Site Information**

The site is located at 436 East Chicago Street, Coldwater, Michigan 49036, and consists of one irregularly-shaped portion of a parent parcel (Parcel ID number: 301-000-000-244-00), comprising approximately 1.5-acres. Riboscy Real Estate, LLC is the current site owner. Refer to attachments for current assessing records and site maps.

b. **Status and History of Contamination at the Site**

AKT Peerless Environmental & Energy Services (AKT Peerless) performed a Phase II Site Investigation at the subject property in September 2011. On August 11, 2011 and August 26, 2011, AKT Peerless conducted a subsurface investigation at the subject property to further evaluate environmental concerns identified during previous environmental investigations and also to assess site conditions during an underground storage tank (UST) removal. AKT Peerless oversaw: (1) the advancement of fourteen soil borings, (2) the excavation of two test pits, (3) the installation of five temporary groundwater monitoring wells, (4) the installation of three soil vapor points, and (5) the collection of fifteen soil samples, five groundwater samples, and three soil vapor samples. AKT Peerless submitted soil and groundwater samples for laboratory analyses of select parameters, including: volatile organic compounds (VOCs), polynuclear

aromatics (PNAs), base neutral acids (BNAs), polychlorinated biphenyls (PCBs), “Michigan 10” Metals (arsenic, barium, cadmium, chromium, copper, lead, mercury, selenium, silver, zinc), cadmium, total chromium, lead, hexavalent chromium, ethylene glycol, and fine/coarse fraction lead, as appropriate.

AKT Peerless conducted soil, groundwater, and soil vapor sampling in areas most likely to be impacted by contaminants based on the past use of the subject property. The results of the investigation indicate the following:

- Arsenic, cadmium, lead, fine/coarse fraction lead, silver, total chromium, naphthalene, 2-methylnaphthalene, n-butylbenzene, sec-butylbenzene, ethylbenzene, n-propylbenzene, 1,2,3 trimethylbenzene, 1,2,4 trimethylbenzene, 1,3,5 trimethylbenzene, and xylenes at concentrations exceeding the MDEQ Part 201 Residential Cleanup Criteria. Various concentrations in soil were detected above the groundwater surface water interface protection criteria, drinking water protection criteria, and direct contact criteria.
- In addition, lead was detected in shallow groundwater at the subject property at concentrations exceeding the MDEQ Part 201 Residential Cleanup Criteria. Various concentrations in groundwater were detected above the drinking water criteria.

Based on laboratory analytical results, the subject property meets the definition of a *facility*, as defined in Part 201 of the NREPA, Michigan Public Act (PA) 451, 1994, as amended.

c. **Sites Ineligible for Funding**

Branch County has determined the site: (a) is not listed or proposed for listing as an NPL site, (b) nor subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees issued to or entered into by parties under CERCLA, (c) nor subject to the jurisdiction, custody, or control of the United States Government.

d. **Sites Requiring a Property-Specific Determination**

Riboscy Real Estate, LLC (site owner) is not seeking a waiver of the \$200,000 limit on this property. In addition, Branch County (grantee) does not believe a property specific determination is needed.

**Property Ownership Eligibility:**

e. **CERCLA § 107 Liability**

According to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), Branch County is not a potentially responsible party, under which include: a current owner or operator of a facility, an owner or operator of a facility at the time of disposal or a hazardous substance, a party that arranged for the treatment or disposal of hazardous substances, or a party that accepted hazardous substances for transport to disposal or treatment facilities at the site.

f. **Enforcement Actions**

At this time no known ongoing or anticipated environmental enforcement actions related to the brownfield site for which funding is sought have been identified. Branch County is not aware of any inquiries or orders from federal, state, or local government entities that the applicant is aware of regarding the responsibility of any party for the contamination or hazardous substances at the site.

g. **Information on Liability and Defenses/Protections Where Applicant Does NOT Own the Site**

- i) Branch County has not arranged for the disposal of hazardous substances at the site or transported hazardous substances to the site. In addition, Branch County has not caused or contributed to any release of hazardous substances at the site.
- ii) The relationship between the current owner and Branch County are as follows: current owner (seller) and governmental agency assisting in the environmental assessment. The current owners have agreed to grant site access and will cooperate with Branch County during the assessment by allowing site access, being available for interviews from the consultant, and providing documentation relevant to current and past operation at the site.
- iii) Site access will be granted through an access agreement between the property owner and AKT Peerless.

h. **Information on Liability and Defenses/Protections Where Applicant Owns the Site or Will Own the Site During the Performance of the Grant**

Branch County does not currently own the subject property, and currently has no intent to purchase the subject property.

Please contact me at (517) 279-5104, should you have any questions or concerns.

Sincerely,

Bud Norman  
Branch County Administrator

cc: Stephanie R. Horn, AKT Peerless Environmental & Energy Services

Attachment